



General Assembly

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**Amendment**

LCO No. 7019

**\*HB0615607019HD0\***

Offered by:

REP. HURLBURT, 53<sup>rd</sup> Dist.

REP. URBAN, 43<sup>rd</sup> Dist.

To: House Bill No. 6156

File No. 97

Cal. No. 74

**"AN ACT CONCERNING FARMERS' MARKETS."**

1 Strike everything after the enacting clause and substitute the  
2 following in lieu thereof:

3 "Section 1. (NEW) (*Effective from passage*) (a) For purposes of this  
4 section: (1) "Certified farmers' market" has the same meaning as  
5 provided in section 22-6r of the general statutes, and (2) "food service  
6 establishment" has the same meaning as provided in section 19-13-B42  
7 of the regulations of Connecticut state agencies.

8 (b) Any permit or license to operate a food service establishment  
9 that is issued by a municipal health department or health district to a  
10 farmer for the purpose of such farmer's participation in a certified  
11 farmers' market within the jurisdiction of said municipal health  
12 department or health district shall be valid for the purpose of  
13 operating a food service establishment at any certified farmers' market  
14 in the state, provided (1) such operation is in accordance with the  
15 menu items and food preparation processes approved by said issuing

16 municipal health department or health district, or (2) such operation  
17 utilizes menu items or food preparation processes that are  
18 substantially similar to the menu items and food preparation processes  
19 approved by said issuing municipal health department or health  
20 district. Not later than fourteen days prior to commencing the  
21 operation of a food service establishment in a municipality that is  
22 within the jurisdiction of a municipal health department or health  
23 district that did not issue a permit or license to such farmer, a notice of  
24 intent to commence such operation shall be sent by such farmer to the  
25 municipal health department or health district with such jurisdiction.  
26 Such notice shall contain a copy of the municipal health department or  
27 health district permit or license issued in accordance with this section  
28 and a copy of any food service plan developed as part of the  
29 application for such permit or license. Any permit or license issued in  
30 accordance with the provisions of this section shall be valid for the  
31 duration of the calendar year in which such permit or license was  
32 issued.

33 (c) Any local director of health may take any regulatory action such  
34 director deems necessary against any farmer who operates a food  
35 service establishment within the jurisdiction of such health department  
36 or district, as applicable, in order to ensure that such farmer is in  
37 compliance with the Public Health Code, provided no local director of  
38 health shall require any farmer to apply for or purchase a permit or  
39 license to operate a food service establishment if such farmer holds a  
40 valid permit or license issued by another municipal health department  
41 or health district and is in compliance with the provisions of  
42 subsection (b) of this section.

43 (d) Any farmer who operates a food service establishment in a  
44 certified farmers' market in accordance with this section and the menu  
45 items and food preparation processes approved by the municipal  
46 health department or health district that issued such permit or license,  
47 or who utilizes menu items or food preparation processes that are  
48 substantially similar to the menu items and food preparation processes  
49 approved by said issuing municipal health department or health

50 district, shall be exempt from the provisions of any ordinance of any  
51 municipality or health district concerning the operation of a food  
52 service establishment. No municipal health department or health  
53 district shall require any farmer who applies for a permit or license to  
54 operate a food service establishment at a certified farmers' market to  
55 submit information regarding such farmer's ability to comply with any  
56 ordinance of any municipality or health district concerning the  
57 operation of such food service establishment.

58 Sec. 2. Section 22-6r of the general statutes is repealed and the  
59 following is substituted in lieu thereof (*Effective from passage*):

60 (a) For purposes of this section:

61 (1) "Farmers' market" means a cooperative or nonprofit enterprise or  
62 association that consistently occupies a given site throughout the  
63 season or that occupies a given site for any given day or event and that  
64 operates principally as a common marketplace for a group of farmers,  
65 at least two of whom are selling Connecticut-grown fresh produce, to  
66 sell Connecticut-grown farm products in conformance with the  
67 applicable regulations of Connecticut state agencies and where the  
68 farm products sold are produced by the participating farmers with the  
69 sole intent and purpose of generating a portion of household income;

70 (2) "Fresh produce" means fruits and vegetables that have not been  
71 processed in any manner;

72 (3) "Certified farmers' market" means a farmers' market that is  
73 authorized by the commissioner to operate;

74 (4) "Farmer's kiosk" means a structure or area located within a  
75 certified farmers' market used by a farm business to conduct sales of  
76 Connecticut-grown farm products;

77 (5) "Connecticut-grown" means produce and other farm products  
78 that have a traceable point of origin within Connecticut;

79 (6) "Farm" has the meaning ascribed to it in subsection (q) of section

80 1-1;

81 (7) "Farm products" means any fresh fruits, vegetables, mushrooms,  
82 nuts, shell eggs, honey or other bee products, maple syrup or maple  
83 sugar, flowers, nursery stock and other horticultural commodities,  
84 livestock food products, including meat, milk, cheese and other dairy  
85 products, food products of "aquaculture", as defined in subsection (q)  
86 of section 1-1, including fish, oysters, clams, mussels and other  
87 molluscan shellfish taken from the waters of the state or tidal  
88 wetlands, products from any tree, vine or plant and their flowers, or  
89 any of the products listed in this subdivision that have been processed  
90 by the participating farmer, including, but not limited to, baked goods  
91 made with farm products.

92 (b) A farmer's kiosk at a certified farmers' market shall be  
93 considered an extension of the farmer's business and regulations of  
94 Connecticut state agencies relating to the sale of farm products on a  
95 farm shall govern the sale of farm products at a farmer's kiosk.

96 (c) [A] Except as provided in section 1 of this act, a farmer offering  
97 farm products for sale at a certified farmers' market shall obtain and  
98 maintain any license required to sell such products.

99 (d) A food service establishment, as defined in section 19-13-B42 of  
100 the regulations of Connecticut state agencies, may purchase farm  
101 products that have been produced and are sold in conformance with  
102 the applicable regulations of Connecticut state agencies at a farmers'  
103 market, provided such establishment requests and obtains an invoice  
104 from the farmer or person selling farm products. The farmer or person  
105 selling farm products shall provide to the food service establishment  
106 an invoice that indicates the source and date of purchase of the farm  
107 products at the time of the sale.

108 (e) Section 22-6g or this section shall not supersede the provisions of  
109 any state or local health and safety laws, regulations or ordinances."

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	New section
Sec. 2	<i>from passage</i>	22-6r